

Washington County Land Use Authority Meeting
August 09, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, August 09, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:45 p.m. by Vice Chairman Kim Ford.

Commissioners present: Dave Everett, JoAnn Balen, Deborah Christopher, Doug Wilson, and Julie Cropper.

Excused: Mike Stucki, Rick Jones

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Bryan Wheat, County Attorney Intern; Kurt Gardner, Building Official; Kim Hafen County Clerk; John Willie, Planning Administrator; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Tim Collings; Phil Schmidt;

Vice Chairman Ford led the audience in the Pledge of Allegiance after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CHAIR NOMINATIONS. Annual election for a Chairman and Vice Chairman to be elected from the appointed members of the Commission by a majority of the total membership, County initiated.

The Planner reported during the first meeting in August, and as per Planning Commission Procedures, a Chairman and Vice Chairman will be elected from the duly appointed members of the Commission by a majority of the total membership. Both Chair seats may be elected to subsequent terms.

Based on the fact that Chairman Stucki does not vote and Rick Jones is an alternate and the chair positions are elected by majority vote, it was decided the commission could proceed with the nominations. The commission discussed the item and nominations for Chair and the Vice Chair were determined.

Motion: Commissioner Cropper MOVED to nominate Doug Wilson to Chair the Planning Commission for the upcoming year. Commissioner Christopher SECONDED. The motion carried with all six (6) Commissioners voting in favor.

Motion: Commissioner Balen MOVED to nominate Kim Ford to Vice Chair the Planning Commission for the upcoming year. Commissioner Everett SECONDED. The motion carried with all six (6) Commissioners voting in favor.

Commissioner Wilson accepted the position of Planning Commission Chair and Commissioner Ford accepted the position of Vice Chair; effective at the next meeting.

III. CONDITIONAL USE PERMIT EXTENSION. Review extension for the "Redrock Relay Race" from Brian Head to SR18 near Enterprise, Veyo, through St. George and other communities then to SR9, ending at Zion's, Saturday, September 10, 2011, within the county unincorporated areas; Tim Collings, applicant.

The Planner reported this is a review of the conditional use permit 2nd extension for the two (2) day event sponsored by Tim Collings/Red Rock Relay. The event is in its third year and will be held on September 9 & 10, 2011 and. This is a 12 man team event which covers 180 miles. It begins at Brian Head Resort and finishes at Zion's. The route has been changed from Kolob Road to SR18. The applicant will need an updated liability

insurance policy in place, listing Washington County as a beneficiary. The Washington County Sheriff's Department is aware of the event and is working with the applicant on schedules.

Tim Collins, Race Director of Red Rock Relay, thanked the Commission for their time. He asked if there were any questions.

Commissioner Balen asked about the route and how many teams would participate. Mr. Collins explained the new route. He reported there were about 500 teams with approximately 2,600 runners total. He provided information on how the race would take place. He noted it would be running during the day and night. People come from Northern Utah to Southern Nevada to participate.

The Commission and Mr. Collins discussed the route and technical aspects of the race, which included running at night and staggering starters at the starting line. Mr. Collins stated he would submit the missing required updated documents (i.e. insurance and others) that need to be filed with the County.

Motion: Commissioner Christopher MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for one year for the Redrock Relay Race event through Washington County subject to all documents being submitted to the County. Commissioner Everett SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission for approval August 16, 2011 on the consent agenda.

IV. CONDITIONAL USE PERMIT EXTENSION. Request permission to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by Theresa Haury, in Veyo; Atlas Tower LLC Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

The Planner reported this was tabled at the last meeting due to a lack of representation and it appears there is not a representative today. This is the 2nd extension annual review and communication towers are conditionally approved within the RA-1 zone. Previously, the applicant had submitted the site location plan and a drawing of the tower. The 100' tower meets the height requirement of the ordinance (County Code 10-21-2.C). There is a requirement for co-location and accessory equipment shelters to be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created, as this tower is located far enough away from water tanks on the adjacent property and the Ag/Manufacturing Bldg on private property, with the leased area being 30' x 40' and the tower being centrally located. The building permit has not been issued for the tower.

There was no one present to represent the item.

The planner stated the applicant had been contacted numerous times and doesn't feel he should come in because he has a permit through BLM along with the previously approved conditional use permit. The commission discussed the course of action they should take.

No action was taken and the Conditional Use Permit expired.

Staff will notify the applicant of the decision.

V. CONDITIONAL USE PERMIT. Request permission to locate a temporary batch plant and job site trailer within the OSC-20 zone, for the expansion of the Red Butte Substation located on Forest Service land near Central; Schmidt Construction, applicant.

The Planner reported this item lapsed due to a lack of representation at the three previous meetings. The applicant has made a new application for an onsite temporary batch plant to facilitate a job for the PacifiCorp (Rocky Mountain Power) Red Butte Subdivision near Central. As previously reviewed, they may haul gravel to

this site from their pit in Iron County or utilize product from the Carl Bowler pit near Veyo, if it does not have any clay. The commission will need to review this use conditionally within the OSC zone as being a use similar to the conditional uses and in harmony with the character and intent of the zone (10-6A-3 County Code). The applicant previously submitted permits from the Forest Service, Air Quality Service, and OSHA Certification. The Forest Service will provide a new letter on this project, which will be submitted. The site will have a couple of job site trailers, two port-a-potties, and the batch plant outside the perimeter of the substation site.

Phil Schmidt addressed the Commission. He apologized for missing the last few meetings due to some outdated contact information. He explained the purpose of the request, which is for the Pine Valley Campgrounds Phases two and three and also working with Rocky Mountain Power on the Red Butte Substation. He asked the Commission to approve the Conditional Use Permit.

Commissioner Everett asked how the sanitation was taken care of. Mr. Schmidt answered they have a port-a-potty and dumpsters onsite. They have and use water trucks to keep the dust to a minimum. The property is fenced to prevent problems and they keep it clean. The county has graveled the road so it is not such an impact to the neighbors.

Motion: Commissioner Balen MOVED to recommend the County Commission approve the Conditional Use Permit to locate a temporary batch plant and job site trailer within the OSC-20 zone, for the expansion of the Red Butte Substation located on Forest Service land near Central; Schmidt Construction, applicant. Commissioner Cropper SECONDED. The motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission for approval August 16, 2011 on the consent agenda.

VI. PUBLIC HEARING. Open Hearing for an easement abandonment approval for Dammeron Valley Meadows, Lot 34, Section 20, T40S, R16W, SLB&M, generally located on the south boundary of Dammeron Valley Meadows.

The Planner stated the commission will need to open a public hearing on this item as referenced by State Code, whereas all property owners within 500' of the subdivision have been sent, by mail, a 10-day notice of hearing and 24-hour posting of agenda before other public meeting. *This item is in conjunction with the item below.*

Motion: The Motion was made, seconded, and unanimously approved to open the Public Hearing.

The Planner explained the project to the Commission. The petitioner, Barbara Hjelle has requested that the easement along the south side of her property be abandoned in order for her to add onto her home. The neighbors near Ms. Hjelle will also come in for a request to abandon the easement on their properties. The property fronts BLM land. All of the utility companies have signed off on the easement abandonment request.

Commission Balen asked what the easement was for. The planner answered it was for utilities; however, the utilities have not utilized the space and currently have no intention of utilizing it. A discussion took place regarding the BLM ground, the easement request, and why the utility easement was established.

Todd Edwards, County Engineer stated he looked at the property. He stated in most easements there is a drainage easement; this property does not have one. There is a power line that comes in the back way and dead ends but will stay in place. The concerns he had have been addressed. He recommended that the abandonment be approved. He noted all easements should be looked at individually because of unknown circumstances for the property and easements.

No one was present who wished to speak on this item and no additional comments were made.

Motion: The Motion was made, seconded, and unanimously approved to close the Public Hearing.

VII. UTILITY EASEMENT ABANDONMENT. Consider the abandonment of a 15' utility easement on lot 34, Dammeron Valley Meadows, Section 20 T40S, R16W, SLB&M, generally located on the south boundary line of Dammeron Valley Meadows; Barbara Hjelle, petitioner.

The Planner reported after closing the public hearing, the planning commission will review the location of the easement abandonment and the consent forms signed by the different utility companies in this area who would have need to access this easement. All applicable agencies have signed the consent to eliminate the 15' utility easement on the south property line of Lot 34. The land to the south of this easement is in the Red Mountain Wilderness area.

In the past, these types of requests have been handled by the County Commission. They have requested that the Planning Commission hold a public hearing, review and make a recommendation of these requests for commission consent approval the following week.

The Planning Commission and staff discussed the findings of fact for the abandonment.

Findings of facts:

- All utility agencies have consented to the abandonment
- The property owners within 500 feet were notified of the abandonment and there appeared to be no concerns.
- A public hearing was held where there was no opposition from the residents of the area.
- The County Engineer has reviewed and approved the abandonment as there is no use for the easement at this time.

Motion: Commissioner Christopher **MOVED** to recommend that the County Commission approve the abandonment of a 15' utility easement on lot 34, Dammeron Valley Meadows, Section 20 T40S, R16W, SLB&M, generally located on the south boundary line of Dammeron Valley Meadows; Barbara Hjelle, petitioner, with the following findings of fact:

Findings of facts:

- All utility agencies have consented to the abandonment
- The property owners within 500 feet were notified of the abandonment and there appeared to be no concerns.
- A public hearing was held where there was no opposition from the residents of the area.
- The County Engineer has reviewed and approved the abandonment as there is no use for the easement at this time.

Commissioner Balen SECONDED. The Motion carried with all six (6) Commissioners voting in favor.

This item will go before the County Commission for approval August 16, 2011 on the consent agenda.

VIII. PROCEDURES AND RULES OF ORDER. Annual review of Planning Commission Procedures and Rules of Order; County initiated.

The Planner stated that for insurance purposes, the Planning Commission needs to review their procedures and rules of order as part of an ongoing education program, which will benefit the County. Documents were provided to the Commission prior to the meeting. She asked if there were any questions and if the Commission wanted to proceed with the item or review it in the future.

The Commission discussed and decided to review the Procedures and Rules of Order at a future meeting.

Motion: Commissioner Everett **MOVED** to table the item until the next meeting. Commissioner Cropper **SECONDED.** The Motion carried with all six (6) Commissioners voting in favor.

IX. DISCUSSION ITEM/ORDINANCE AMENDMENT. Review Events Ordinance with Bryan Wheat Washington County Attorney's Office; County initiated.

The Planner stated over the last several years, the commission has reviewed events as a conditional use permit. This is a review of a draft Events Ordinance for Chapter 3 Title 3 of the Washington County Code prepared by the County Attorneys office. The intent is to simplify the process. If needed, some special event items may come before the Planning Commission for review and recommendation of approval by the County Commission.

Rachelle Ehlert, County Deputy Attorney introduced Bryan Wheat. She stated Bryan is in law school and will be going back to school soon. He has been working as an intern in the attorney's office during the summer and has drafted an events ordinance for the county to review.

Bryan Wheat congratulated the new Chair of the Planning Commission. He explained how he came up with the draft ordinance being presented. He gave a presentation of the draft.

A very lengthy discussion took place regarding the ordinance amendment. There were several comments, questions, and suggestions, regarding safety issues, monetary issues, insurance requirements, number of participants, restrictions, and various other items.

Staff reported the proposed ordinance would be reworked and presented to the planning commission for their review at a future meeting. The commission agreed to have staff rework the draft ordinance and bring it back for discussion at a later date.

Commissioners Cropper and Wilson were excused from the meeting at 3:00 p.m.

V. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on August 2, 2011; County initiated.

The Planner reported on the decisions of the Land Use Authority Staff Meeting held August 2, 2011 as follows:

ACTIONS OF THE LAND USE AUTHORITY STAFF AUGUST 2, 2011 MEETING
CONDITIONAL USE PERMIT EXTENSIONS.

A. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R14W, SLB&M, generally located northeast of Pine Valley. Ron Rencher, applicant.

This is the 6th annual review, with the applicant actually living out of the State eight (8) months out of the year; it has been difficult to get to the point of construction. Previously, the applicant installed over 1,000 feet of water line, rebuilt the fence and keeps the pasture watered during the summer. The power, water tank, and septic were installed. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. Records show that no permit has been issued as yet. Previously, Mr. Rencher indicated that most of the prep work is finished and he will obtain the building permit next season. **The staff granted approval of the Conditional Use Permit extension for an additional year, whereas this area is seasonal in nature and the initial work that went into applying for the conditional use should be enough to keep the use active.**

B. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R11W, SLB&M, generally located north of Smith's Mesa on Kanarra Mountain. Terry Wilson, agent and David W. Bauer, applicant.

This is the 5th annual review, with the requirements for the Conditional Use Permit having been met by submitting a site plan, septic permit and quantity and quality of the water from springs for culinary use. The property is accessed from Kanarra Mountain in Iron County, then entering the 600 acre parcel on the Washington County boarder. The site plan meets all setback requirements. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. The Conservancy District and

Dean Cox has reported that construction is taking place, with photographs of a cement slab. Records show that no permit has been issued as yet. If the septic has not been installed, the applicant will need to reapply and Robert Beers indicated he would check Southwest Utah Public Health Department records. **The staff felt they should review in one (1) month after comparing aerial photos for a check up on status of construction, since correspondence has not worked.**

C. Request extension for an exception to the height requirement on two (2) poles for amateur radio facilities and one (1) 45' free standing crank up tower in Dixie Deer Estates on Rex Layne Dr. in Central. Bruce Bissell and David Jensen, applicants.

The amateur radio poles were existing at the time of the planning commission review and the request was to bring the use into compliance by applying for a Conditional Use Permit. There is no need for further review, so **staff granted the exception to the height requirement on a permanent basis.**

D. Request extension for 3 RV pads for a private recreational facility at the Peek-a-Boo Ranch, within the OST-20 zone on 57 acres generally located near Brookside. Monte Holm, applicant.

Whereas the 3 RV pads were existing at the time of the planning commission review last year and this was requested to bring everything into compliance; there is no need for further review. **Staff grants permanent status for the private recreational facility at the Peek-a-Boo Ranch near Brookside.**

CONDITIONAL USE PERMIT.

A. Request permission for an accessory dwelling (garage) within the FR-13.5 zone at Mountain View Estates - Phase 3, Lot 5 in Pine Valley. Dallin and Julie Nielsen, applicants.

The applicant is trying to resolve a problem created by the previous owner who did not obtain permits for the casita attached to the garage. With the addition of a firewall and enlargement of a window this unit would meet the requirements for living quarters. The applicant has met the requirements for the Conditional Use Permit by submitting a site plan, floor plan, and a letter from the Southwest Utah Public Health Department on the existing septic system. Accessory dwellings are conditionally approved within the FR-13.5 zone. The property is located at 227 South and accessed from Brookside Dr., generally located east of Pine Valley. The original site plan met all setback requirements. **The staff granted approval of the Conditional Use Permit for a accessory dwelling for the period of one (1) year, subject to a building permit being issued for the modifications.**

B. Request permission for an accessory dwelling (casita) within the RA-1 zone at Adobe Hills, lot 111, located at 4582 S 1500 West, south of Hurricane, Utah. Arlene Regos, applicant.

The applicant had requested an accessory dwelling within a garage structure, which is located at 4582 S 1500 West, at Adobe Hills south of Hurricane. The applicant submitted a site plan and a floor plan will be reviewed by the building staff, with a file copy submitted for the planning file. The contractor indicated they submitted testing for 7 bedrooms, instead of the 3 noted on the septic permit. The staff indicated that with the correction in labeling a home office in the guest quarters as storage and obtaining a new septic permit, they would approve this subject to. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **The staff decided to approve the Conditional Use Permit for the period of one (1) year, with corrections.**

VI. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held June 28, & July 12, 2011.

Motion: Commissioner Everett **MOVED** to adopt the Minutes of June 28, & July 12 2011 as corrected. Commissioner Christopher **SECONDED**. The motion passed with the remaining four (4) commissioners voting in favor.

VII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported on the Planning items that were approved by County Commission on August 2, 2011.

VIII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

There were no reports from the Commission or Staff.

The Planner stated the next meeting will be a regular meeting on September 13, 2011.

Updated information provided by the water conservancy district was handed out.

Motion was made and seconded to adjourn the meeting at 3:30 p.m.

Doreen Bowers-Irons

Planning Secretary

Approved: 00 September 2011